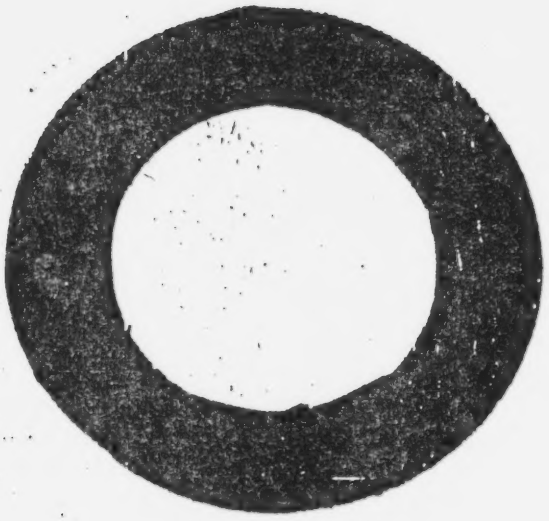

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1404th MEETING

Held at Headquarters, New York,
on Monday, 27 July 1992, at 10 a.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Question of East Timor
- Requests for Hearing
- Question of East Timor (continued)

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The meeting was called to order at 10.40 a.m.

QUESTION OF EAST TIMOR (A/AC.109/1115 and 1126)

The CHAIRMAN: The Committee has before it a working paper prepared by the Secretariat (A/AC.109/1115), as well as related communications.

I now call on the representative of Indonesia.

Mr. JENIE (Indonesia): I wish to reiterate the Indonesian delegation's strong objection to the appearance and participation of the persons listed in aide-mémoire 10/92 of the Special Committee, dated 21 July 1992, as petitioners to speak about the so-called question of East Timor.

We regret to see that this august forum will again be misused by them to launch baseless accusations against Indonesia in their desperate attempt to keep alive a non-issue built around a non-existent cause.

The CHAIRMAN: In accordance with a decision taken at the 1403rd meeting on 22 July 1992, the Committee granted requests for hearing contained in aide-mémoire 10/92.

At the invitation of the Chairman, Mr. Jose Ramos-Horta (National Council of Maubere Resistance (CNRM)) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Ramos-Horta.

Mr. RAMOS-HORTA (National Council of Maubere Resistance (CNRM)): Before I read from my prepared statement, I should like to say a few words in clarification.

I have prepared a statement in my capacity as the Special Representative of the National Council of Maubere Resistance (CNRM), which is an umbrella body based in East Timor and comprises all the opposition forces in East Timor that oppose Indonesian occupation.

Upon arriving in New York on Saturday, I was fortunate enough to have

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waiting for me a written statement that had been sent from the mountains of East Timor by the head of CNRM, Mr. Xanana Gusmao. Therefore, I am including his speech instead of mine, and I will read his statement, which I have translated from Portuguese.

Before I read from the prepared statement, Mr. Chairman, as this is the first time that I have addressed this Committee since you assumed your post, allow me to congratulate you on your election. Aware of your competence and dedication, I believe that the Committee will continue to honour its tradition of upholding the principles embodied in the Charter, as it has done for the past 30 years since its creation in 1960.

There are many outstanding professionals in this room who, with dedication and integrity, did their best throughout the 1960s and 1970s to ensure the integrity of the United Nations system and the effectiveness of the Special Committee on Decolonization. To you all, I wish to express my deepest appreciation.

I shall now read from the written statement of Mr. Xanana Gusmao.

"I have the honour to address this Committee on behalf of the people of East Timor.

"It is with faith that I am addressing this prestigious United Nations body in the current international context. I consider it appropriate to note that many independent States were born in the shadow of the principles embodied in this Committee. These are the same principles that are inspiring the birth of new States in the Old Continent.

"The Special Committee on Decolonization took upon itself the task of eradicating colonialism by the year 2000. With this promising vision,

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the Committee asserts itself as the guardian of the hopes and aspirations of the peoples still under a backward system of domination.

"In the decades that crowned the struggles for national liberation, this Committee was the forum for the defence of the international rights of colonial countries and peoples. These historic achievements are for us a source of faith and hope - even more so now, when colonialism is so soon to be eradicated from the face of the earth.

"With the inclusion of East Timor in 1960 in the General Assembly's list of Non-Self-Governing Territories, this Committee assumed total responsibility for seeing to it that the principles embodied in the Charter are fully applied to the Territory of East Timor.

"In the history of the struggle against colonial expansionism, oppressed peoples were always left with no alternative but to resort to violence in order to assert their rights in the face of the arrogant use of force by the colonizers. This is what happened to us when we were brutally invaded on 7 December 1975. To this very day we are resisting Indonesian military occupation by all means available to us, including armed resistance.

"However, we are in the midst of historic change, underscored by political transformations in various latitudes. Terrorist States have seen their very foundations rocked by the democratic conscience of their citizens. Totalitarian regimes are now on the path to full respect for fundamental freedoms. Dictatorships in the third world, installed by the West, are being overthrown in the face of popular protests. Humanity is indeed on the road to a new world order.

(Mr. Ramos-Horta)

"We must continue to build a new world order based on the elimination of all the evils that affect so many regions of this planet. This Committee, with only eight years to go before the year 2000, has the daunting task of sweeping from the face of the Earth all the manifestations of colonialism.

"Regrettably, some Member States apply double standards to identical situations, namely, East Timor and Kuwait. In spite of this, I am certain that the Special Committee on Decolonization will not betray the sacred principles that gave birth to it. We are also certain that in dealing with the question of East Timor, it will be guided by international law and all the relevant norms on self-determination and independence.

"We are certain that East Timor will not be an exception in the decolonization process. Indonesia, a member of this august body, has used it in the past as a forum for denouncing Portuguese colonialism. Now it is using this Committee as a forum to defend its own colonization, annexation and military occupation of East Timor, with complete disregard for the relevant Security Council resolutions, 384 (1975) and 389 (1976).

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"It was only yesterday, so to speak, that the world was divided into two military blocs, led by the United States and the Union of Soviet Socialist Republics, both sides using the veto power at will to preserve their respective spheres of influence. We note with consternation that even after the dismantling of the old Soviet empire and the communist bloc, the West continues to make use of its veto power whenever just causes affect its economic interests.

"The sanctions against Iraq seemed to suggest that the taboo of State sovereignty and domestic jurisdiction was gone; the measures adopted against Libya seemed to suggest that the universal concept of justice should breach national boundaries when the application of universal principles is involved; the Security Council resolutions on Yugoslavia seemed to suggest that it was now an outmoded notion that only the powerful and rich could determine the fate of peoples and to suggest further that the universal principles of self-determination should in time prevail in all latitudes and in all circumstances.

"The balance-sheet of more than 16 years of our resistance to Indonesia's military occupation of our country shows more than 200,000 dead and a continuing practice of persecution, imprisonment and massacres. The 12 November 1991 massacre of East Timorese civilians jolted the international conscience. Some Governments, even though accomplices in the physical, ethnic and cultural genocide of our people, were not able to hide their horror in the face of the Santa Cruz massacre. However, a few months have elapsed, and their conscience has slipped back to 'business as usual'.

"Much has been said about the 12 November 1991 massacre, and the

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images of the massacre reveal the true nature of the annexation of East Timor. The twelfth of November underscored the historical fact that the people's nationalism cannot be liquidated by repression, nor can it be alienated by so-called economic development. Namibia emerged as an independent State after 40 years. Small and larger independent States, whose right to self-determination and independence had been denied, blossomed after 40 years.

"The referendum in the Baltic States was a model in conflict resolution. The world is shocked by the armed conflicts in Yugoslavia and Armenia. However, the international community is merely reaping the fruits of historical mistakes perpetrated by oppressive regimes that assaulted human conscience and regarded their fellow beings as mere pawns of the ambitions of the economic oligarchy to which they belonged.

"A referendum process for Western Sahara is now in preparation. We are perplexed by the news that Indonesia reportedly offered a contingent to participate in the multinational force in Western Sahara.

"Indonesia claims that the people of East Timor have already chosen integration by an act of 'free will'. If this is the case, then why are there so many restrictions in East Timor? If this is so, why does Indonesia fear a ratification of the act under international supervision? If this is so, why did it create so many obstacles that aborted the projected Portuguese parliamentary mission to East Timor? Why did Indonesia close the Territory following the 12 November massacre? Why are foreign visitors subject to pro-Indonesia criteria? Why does East Timor remain closed to international humanitarian organizations?

"Why all this if the people of East Timor, by its free will, chose

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integration with Indonesia? Why all this if, as the Indonesian generals assert, only a few 'marginals' continue to think about independence?

"The new democracies, conscious that they are part of the community of nations, have shown their political will by inviting international supervision of their inaugural electoral processes. Why does the international community allow East Timor to remain a great prison? Is it because the people of East Timor wanted their island to be a prison?

"I believe that with regard to East Timor, there are three fundamental resolutions that should be taken into consideration:

"First, Security Council resolutions 384 of 22 December 1975 and 389 of 26 April 1976 which, inter alia, reaffirm:

> '... the inalienable right of the people of East Timor to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960'. (Security Council resolution 387 (1975), fourth preambular paragraph)

"The above-mentioned resolutions, it may be recalled, called upon:

> '... all States to respect the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)' and '... the Government of Indonesia to withdraw without delay all its forces from the Territory'. (Security Council resolution 384 (1975), paras. 1 and 2)

"The Security Council further called upon:

> '... all States and other parties concerned to cooperate fully

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with the efforts of the United Nations to achieve a peaceful solution to the existing situation and to facilitate the decolonization of the Territory'. (Security Council resolution 384 (1975), para. 4)

"Secondly, yearly resolutions between 1975 and 1981 met with the indifference of the international community, which in turn served only to encourage inflexibility on the part of Indonesia. In 1982 the General Assembly adopted resolution 37/30, which states:

'Recognizing the inalienable right of all peoples to self-determination and independence in accordance with ... the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960 ...

'Requests the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem and to report thereon to the General Assembly at its thirty-eighth session'. (General Assembly resolution 37/30, first preambular paragraph and para. 1)

"Any solution to the problem of East Timor must be based on respect for the expressed will of the people of East Timor. We are conscious of the fact that it is particularly diffiult for the Government of Indonesia to seek a solution that calls into question the fundamental interests of the Indonesian State, but we cannot abdicate our own interests and rights.

"Dialogue is the means for solving conflicts. This is the trend in today's world. Indonesia itself continues to play an important role in

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the resolution of the Cambodian conflict. The whole argument of 'internal affair' has been invoked time and again by the powerful. We witnessed it in the Gulf. What is happening in Yugoslavia, now the focus of peace-making efforts by the United Nations and the Economic Community, exposes the arrogance of those who continue to create obstacles to the peaceful resolution of conflicts.

"Dialogue without preconditions preserves the mutual interests of the parties to the conflict. Both Portugal and the Maubere people are ready for dialogue. However, the Government of Indonesia, enjoying its status as beneficiary of Western economic and financial largesse, feels strong enough to reject the inclusion of the East Timorese themselves in the peace talks. We continue to invite Indonesia to round-table talks and we reaffirm our political will in endeavouring to find the best way to balance the interests of all parties to the conflict.

"Portugal, the administering Power recognized by the United Nations, supports a process of dialogue which includes the East Timorese, without preconditions.

"Our flexibility regarding the involvement of the East Timorese is aimed at helping Portugal face the negotiation process seriously. It is the role of Portugal, the legal administering Power of East Timor, in the context of its responsibilities, to work with the East Timorese towards finding formulas that might lead towards a comprehensive and lasting solution.

"The Special Representative of the National Council of Maubere Resistance, Mr. Jose Ramos-Horta, conceived and outlined a set of key ideas with a view to contributing to a solution. I wish to elaborate on this plan.

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"Three elements emerge from this plan. First, an extremely important element to emphasize is, without any doubt, the fact that the Territory should remain under United Nations responsibility until a final solution of the problem can be found.

"Secondly, concerning the Portuguese role in the process, I believe that the role of Portugal has to be seen in the context of its commitment to engage in dialogue with Indonesia. Its role in the whole peace process is vital.

"Thirdly, in accepting a transition situation and recognizing that a de facto situation exists in East Timor - Namibia was under South African domination, and yet the United Nations did not relinquish its responsibilities - we wish to create favourable political conditions, so that, through democratic means and in a peaceful climate, each party may persuade the people of the advantages of its policies. An act of self-determination, as the result and goal of this transition period, would be the true political act of free choice by our people.

"I reaffirm our collective political will to abide by the popular verdict if the Maubere people, under international supervision, decides to opt for integration with the Republic of Indonesia. We do not fight against Indonesia. We are not fighting against the people of Indonesia. We respect the great Indonesian nation. We respect our Indonesian brothers and sisters.

"In an independent East Timor we will strive to have privileged relations of friendship and cooperation between our two peoples. We will strive to promote the instruments of bilateral and regional cooperation in the framework of the Association of South-East Asian Nations (ASEAN). We will spare no effort to enhance ASEAN and its role in promoting

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political and economic cooperation, as well as promoting the region as a zone of peace and prosperity.

"An independent East Timor will seek membership in the South Pacific Forum. We share the aspirations of the small island States of the Pacific, and we will strive to foster cooperation for the benefit of our peoples.

"An independent East Timor will reject the existence of armed forces as our real contribution towards regional and world peace. We oppose militarization because we are against armed conflicts. We oppose militarization because, as a part of humanity that desires peace, we do not fear our powerful neighbours. We oppose militarization because we believe that the conscience of mankind opts for dialogue to resolve differences. If dialogue means democratic practice - if, above all, it is a concept of justice - if dialogue means respect for the fundamental rights and freedoms of peoples - then we are against the use of force; we are against war; we are against oppression.

"We are convinced that, if all were to share the same convictions, South-East Asia could become a model in the new world order we all wish to build. We hope that the Indonesian leaders understand our message of peace, our gesture of reconciliation, and understand that our resistance is not aimed at the Indonesian State or people. In equal circumstances of rights and obligations, we will know how to honour the friendship that the great Indonesian nation may offer us.

"We appeal to the Special Committee on Decolonization to spare no effort to see to it that the relevant United Nations resolutions on East Timor are fully implemented."

The petitioner withdrew.

At the invitation of the Chairman, Ms. Victoria Forbes-Adam (Amnesty International) took a place at the petitioners' table.

The CHAIRMAN: I now call on Ms. Forbes-Adam.

Ms. FORBES-ADAM: Thank you, Mr. Chairman, for the opportunity to address this Committee. As you will be aware, Amnesty International takes no position on the question of East Timor's political status. Our testimony is presented in the belief that discussion of East Timor must be informed by an understanding of the human-rights situation in the Territory.

In 1990 Amnesty International stated before this Committee that human-rights violations in East Timor had included short-term detention, torture and ill-treatment. The pattern observed had, in our view, the hallmarks of a systematic strategy for the silencing of real and suspected political opponents and the extraction of political intelligence through coercion and intimidation. In 1991 we again testified before the Committee and expressed concern that the pattern of short-term detention and torture had accelerated and that the "disappearance" and extrajudicial execution of suspected political activists had increased during 1990 and 1991. We urged the Indonesian Government to take decisive action to prevent human-rights violations in East Timor and to allow international human-rights organizations to visit the Territory.

Sadly, we return now to report that, far from improving, the human-rights situation in East Timor has become extremely serious during the last year. Torture, disappearance and extrajudicial killing have continued to be reported, and on 12 November 1991 the international community was horrified by a massacre at Dili, during which an estimated 100 people were shot dead when Indonesian troops opened fire on a peaceful memorial procession to Santa Cruz cemetery. Despite severe restrictions on communications, reports from East Timor indicate that military tactics since the massacre have involved an

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escalation of repression and that arbitrary arrest, torture, and other human-rights violations have continued.

After the Santa Cruz massacre, the Government formally expressed regret for the deaths that had occurred and announced a number of follow-up measures which created the impression that those found guilty of committing human-rights violations would be punished and that such an incident could never recur. But the Government's measures appear to have been directed principally at the appeasement of domestic and international critics and at the suppression of further political dissent in the Territory. The authorities have failed to determine accurately the number of those killed during the massacre, and those who disappeared during and after 12 November have yet to be located. Ten military officials have been brought to justice for their actions during the massacre, yet all were tried before a military tribunal and all but one were charged with disciplinary rather than criminal offences. Despite at least 100 killings and substantial evidence of torture during and after the massacre, none has been charged with murder and only one defendant was charged with ill-treatment. The sentences imposed on military officials ranged from 8 to 18 months' imprisonment.

The massacre, its aftermath and the Government's failure to address the gravity of human-rights violations in East Timor have been fully documented in a number of Amnesty International reports. Copies of those documents have been placed on the table at the left side of this Chamber, and members of the Committee are welcome to take them.

Today we wish to highlight one particular aspect of the Government's action in the wake of the massacre - the trial and conviction of 13 East Timorese, who are now facing long terms of imprisonment for peaceful political and human-rights activities.

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Official explanations of the Santa Cruz massacre have, without exception, virtually exonerated the security forces of responsibility for the killings and beatings which occurred at the cemetery. Official accounts have claimed instead that those who organized the procession to Santa Cruz cemetery were ultimately responsible for the massacre because of their "premedidated provocation" and "aggressive attitude". In December 1991 the report of the Government-appointed commission of inquiry set up to look into the massacre concluded that

> "action must be taken against all who were involved in the Dili incident ... and ... they must be brought to trial in accordance with the rule of law".

The underlying intention of that statement has since been chillingly revealed. Eight people accused of organizing the Santa Cruz procession and a further five who staged a peaceful march at Jakarta to protest against the massacre have been convicted of anti-Government activity. Four of the defendants were convicted under Indonesia's vaguely worded anti-subversion law and were sentenced to prison terms ranging from nine years to life. Amnesty International believes that some or all are prisoners of conscience detained for peaceful political and human-rights activities. It believes that all the trials failed to meet international standards of fairness.

The substance of the charges against the 13 defendants is disturbing for a number of reasons. First, trial documents reveal that the expression of any opposition to Indonesian rule in East Timor, however peaceful, may be treated as subversive by the Indonesian judiciary and may provide sufficient basis for conviction. Secondly, the courts appear to have accepted without question the claim that those who organized the demonstration "contributed" to, or bore

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some responsibility for, the killings perpetrated by Indonesian troops during the massacre. Thirdly, the State prosecutors have attempted to substantiate subversion charges by alleging that the defendants were supporters of, or sympathized with, the goals of the FRETILIN armed opposition group. Fourthly, many of the accusations against the defendants referred to their attempts to contact journalists and United Nations representatives to inform them of human-rights violations.

In fact, the activities set forth as evidence of subversion describe non-violent political and human-rights activities and the exercise of freedoms enshrined in the Universal Declaration of Human Rights. None of the indictments seen by Amnesty International contain any specific reference to the use or advocacy of violence, and it is a matter of grave concern that those who engaged in peaceful political activity have been accused of provoking killings and beatings by State forces. Furthermore, States have an obligation to ensure that all people are free to report human-rights violations to the international community. In treating efforts to report such violations as valid evidence of subversion, the courts have shown disregard for one of the most fundamental and indispensable elements of human-rights protection.

At Dili, eight people were accused of organizing and participating in the 12 November procession to Santa Cruz cemetery. At the trials, State prosecutors alleged that the peaceful demonstration was illegal because it was

> "intentionally staged to oppose the integration of East Timor into Indonesia, since it coincided with a visit by officials of the United Nations Commission on Human Rights to Dili".

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Francisco Miranda Branco was convicted of subversion in June 1992 and was sentenced to 15 years' imprisonment. He was accused of preparing pro-independence banners and attempting to

> "give a wrong picture of the facts in East Timor to prove that the Indonesian Government did not respect human rights in the province".

The defendant denied charges of subversion. He stated before the court:

> "I uphold the principles of non-violence and peace, which is why, after the outbreak of the civil war in East Timor ... I decided that ... I would no longer take sides with any party, including FRETILIN, which is my position up to the present day".

Gregorio de Cunha Saldanha was convicted of subversion and sentenced to life imprisonment in June 1992. He was accused of organizing the 12 November procession and of participating in a series of "anti-Government" demonstrations in previous years. In 1990 Amnesty International testified before this Committee to the peaceful nature of those demonstrations and expressed concern that some of the participants had subsequently been beaten and tortured by the security forces.

The eight defendants at Dili were also accused of membership in the Executive Committee, an organization deemed illegal by the authorities. According to State prosecutors, that group had political motives, opposed Indonesian rule in East Timor and supported FRETILIN. Available information, including indictments against those charged, indicates that the Committee was established primarily to deliver a petition to members of a Portuguese parliamentary delegation scheduled to visit East Timor in 1991. In so doing, the defendants were acting in full accordance with the terms of reference for the visit, agreed under the auspices of the United Nations. The terms

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specified that anyone wishing to make contact with the parliamentarians should be free to do so without fear of adverse consequences. Other activities of Executive Committee members also deemed unlawful by the courts were their efforts to disseminate information about East Timorese politics and about human-rights violations within the Territory.

On 19 November 1991 East Timorese students at Jakarta organized a peaceful march to protest against the killing and torture of their compatriots at Santa Cruz. During the march 70 people were arrested and detained, and some were reportedly tortured. Five were subsequently tried and convicted of "anti-Government" activity. Two of them, Fernando de Araujo and Joao Freitas da Camara, were convicted of subversion in May 1992 and sentenced to 9 and 10 years' imprisonment respectively. The two students were accused of planning public demonstrations

> "to gain the sympathy of the international community for abuses of human rights in East Timor".

None of the defendants denied their participation in the Jakarta protest. Indeed, the majority declared that they had felt compelled to express sorrow and to protest against the killing of their countrymen. On 31 March Joao Freitas da Camara told the court that he and his friends

> "just could not stay inactive while our brothers were being shot dead. We had to protest".

In the aftermath of the massacre, military intimidation of the East Timorese population has reportedly increased. Many suspected political activists, including young people and Catholic priests, have been subjected to imprisonment, death threats and beatings. Households suspected of harbouring pro-independence activists are subjected to searches, and their members are

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threatened with violence by the military. Members of the International Committee of the Red Cross have reportedly faced increased military obstruction in recent months. At least three other possible prisoners of conscience have been tried and sentenced to prison terms of two to five years.'

Elsewhere in Indonesia, restrictions on freedom of movement and association have been imposed on East Timorese students. In July Amnesty International received an urgent appeal for protection from East Timorese students in Bali. The students have reportedly been accused of sending "negative propaganda" to the United States and have been threatened by the Indonesian military.

The Indonesian Government has repeatedly stated that it respects human rights and that the Santa Cruz massacre was an isolated incident which did not "in any way reflect the policy of the Government of Indonesia". However, the Government's actions in the wake of the massacre have demonstrated that those who commit human-rights violations may do so with impunity. By failing to punish the perpetrators of the Santa Cruz massacre, the Government has in effect condoned their actions. Likewise, the imprisonment of those engaged in peaceful political and human-rights protest has clearly indicated that the exercise of fundamental freedoms will be not be tolerated by the authorities.

Last, despite a March 1992 appeal by the Commission on Human Rights, the Government continues to restrict or deny efforts by international organizations to monitor human rights in East Timor.

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We wish to state emphatically that none of the political and military conditions conducive to the commission of gross human-rights violations in East Timor have been properly remedied. We believe that unless the international community takes firm action to ensure genuine human-rights guarantees, and fully monitors their implementation, those who engage in peaceful political activity and the defence of human rights will continue to be at risk of serious human-rights violations, including murder, disappearance, torture and arbitrary detention.

The petitioner withdrew.

REQUESTS FOR HEARING

The CHAIRMAN: I wish to draw members' attention to requests for hearing relating to East Timor which have been circulated in an addendum dated 27 July to aide-mémoire 10/92.

Mr. JENIE (Indonesia): I am compelled once again to register our strong objection to the participation of additional petitioners, as listed in the addendum of 27 July to aide-mémoire 10/92. The reasons are the same as those set out in our statement of 22 July 1992 and in the statement I made this morning.

The CHAIRMAN: The reservations that the representative of Indonesia has expressed will be reflected in the record of the meeting. On that understanding, if there are no further comments, may I take it that the Committee agrees to accede to the requests for hearing contained in the addendum?

It was so decided.

QUESTION OF EAST TIMOR (A/AC.109/1115 and 1126) (continued)

At the invitation of the Chairman, Mr. Liem Soei Liong (TAPOL, the Indonesia Human Rights Campaign) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Liong.

Mr. LIONG: On behalf of TAPOL, the Indonesia Human Rights Campaign, I thank you, Sir, and the other members for the opportunity to petition your Committee about East Timor.

The massacre at Santa Cruz was not an incident, as the Indonesian authorities claim, but part of a history of mass killings in East Timor. It was the presence of foreign journalists and a British cameraman when Indonesian soldiers opened fire on a defenceless crowd that made all the difference. The Suharto Government, which nas one of the worst human-rights records, faced an unprecedented wave of protest.

Also unprecedented was President Suharto's decision to set up two commissions: a National Inquiry Commission and a Military Inquiry Commission. The commissions were created for two reasons - to resist strong demands for an independent inquiry by convincing world opinion that the matter was being taken seriously and to use the tragedy to clean the stable, in domestic terms, by adjusting policies, punishing and replacing military personnel and so on. It is well known that Suharto's policies in East Timor had been encountering opposition at army headquarters for some time.

Suharto's efforts at damage limitation resulted in several Governments' welcoming the measures as credible, evenhanded and encouraging. Nothing could be further from the truth. The preliminary report of the National Inquiry Commission (KPN) served to deny access to an international inquiry into the killings. Members of the Commission, which was led by a retired general, hardly spoke with the victims. A deep-rooted fear among the Timorese would

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have made it impossible even for a genuine Indonesian commission to get at the truth. The KPN ignored graphic evidence in the film "Cold Blood" and statements by foreign witnesses.

Jakarta's "evenhandedness" meant that both peaceful Timorese demonstrators and the Indonesian military were tried. Timorese students demonstrating at Jakarta a week after the massacre were sentenced to up to 10 years; Timorese tried at Dili for participating in the 12 November memorial procession got from six years to life. In contrast, responsible military commanders were "punished" by being sent to the United States for further studies, while low-ranking soldiers who admitted to shooting at the innocent crowd received sentences averaging less than one year.

In this post-cold-war period, the role of the United Nations has been greatly enhanced. We therefore welcomed the initiative of Secretary-General Boutros Boutros-Ghali to send Mr. Amos Wako as his Personal Envoy to Indonesia and East Timor in February to talk to people on the spot. We look forward to the publication of Mr. Wako's report, in the belief that it will contribute to a proper understanding of the real situation in East Timor. Regarding Mr. Wako's visit, we must draw the Committee's attention to the grave restrictions he experienced. Although official visits to East Timor are routinely stage-managed, the Wako visit was unique. The newly appointed commander of East Timor, Brigadier-General Theo Syafei, treated the visit as a test case. No effort was spared to control the entire region. Several layers of military patrols were stationed round Mr. Wako's hotel to prevent anyone from approaching him. The Jakarta-based Legal Aid Institute (LBH) reports:

"... repressive measures were taken. The local apparatus arrested and detained about 120 youngsters who had previously been held in connection

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with the 12 November 1991 event. The arrested youngsters were 'invited' by their respective village head and the local army NCO to attend compulsory courses. The invitation told them to bring enough clothes for several days. In fact, they were taken to the KODIM (Military Subdistrict Command) and told to sign statements that they would make no attempt to meet Amos Wako. According to a witness who met them, the 120 youngsters were then taken to the barracks of Infantry Battalion 744 at Taibessi, Dili, and split into 3 groups of 40. Nobody was allowed to meet them. Then, on 15 February, they were taken for several days to Same subdistrict, about 100 km from Dili."

The same General Theo Syafei has warned the Timorese that if a demonstration like the one on 12 November were to happen during his commandership, there would probably be even more casualties.

The other newly installed commander, Major-General Mantiri, responsible for the Nusa Tenggara region, which includes East Timor, has also shown the true face of the Indonesian army. In a recent interview he said of the Santa Cruz massacre:

"... We don't regret anything. What happened was quite proper. As military, this is so. They were opposing us, demonstrating, even yelling things against the Government. To me that is identical with rebellion, so that's why we took firm action". (Editor, 4 July 1992, p. 85)

Last week the Indonesian army revised its casualty figure for the Santa Cruz massacre. The official number of dead is now back to 19, the figure first given by General Try Sutrisno, but later dismissed as too low by the KPN; 31 of the 115 missing persons have now allegedly been found alive and well, leaving a total of 66 persons unaccounted for. Whom do the Indonesians

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think they can fool with such concoctions? Why has the army still failed to produce the name of a single victim? Why have no bereaved families been able to bury their loved ones? And, as if to mock the grieving Timorese, Brigadier-General Syafei said on 20 July that he hopes all the 66 are dead.

TAPOL has made statements to this Committee on many occasions, primarily to inform it about the military situation in East Timor. We want to continue that tradition.

Ever since the Indonesian invasion in 1975, East Timor has been run like a military operation. A special military structure was designed, with a direct line of command to military headquarters at Jakarta. In June of this year Brigadier-General Theo Syafei announced that changes would be likely to occur in East Timor in September, when combat troops would be withdrawn and the special military structure, KOLAKOPS, would be dissolved. Let us take a closer look at the so-called demilitarization of East Timor.

(Mr. Liong)

First, the withdrawal of combat troops. Anybody familiar with the 16-year history of the occupation of East Timor knows that the major traditional battles between ABRI, the Indonesian armed forces, and FALINTIL, the armed wing of the East Timorese resistance, took place from 1975 to 1978. ABRI, superior in weaponry and in the number of men under arms, gradually took control of large parts of the country. FALINTIL adjusted its strategy and diversified into small guerrilla units while ABRI's role became increasingly territorial, to control the majority of the population in the cities and resettlement camps. The entire decade of the 1980s was taken up by a huge territorial effort by the army to pacify the whole of East Timor. Commander Theo Syafei had said in recent interviews that the main security threat was not the small, roaming guerrilla units but the expanding anticolonial movement among young East Timorese. The withdrawal of combat troops only highlights this strategy, but it does not mean that armed resistance has ceased to be a threat. Only this month, Brigadier General Syafei admitted that between seven and ten clashes still occur every month.

The withdrawal of some combat units from East Timor should also be assessed against the background of increased guerrilla activities in Aceh and West Papua, the two other trouble spots for Jakarta. General Edi Sudradjat, the army chief of staff, has warned that insurrections in these three areas are an obstacle to economic development. He said,

"That's why all kinds of separatist movements led by any group of extremists that want to divide the unity of the Indonesian Republic must be wiped out."

In recent months, territorial operations have been reinforced by a huge increase in the number of territorial troops in the area. In trouble spots

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such as the villages around Dili, as many as five platoons have been stationed in each village. As with combat troops, territorial troops from all parts of Indonesia are usually stationed for between six months and two years. Should FALINTIL step up guerrilla activities, army headquarters can always dispatch KOSTRAD rapid-deployment forces, which have two combat-ready battalions in Java. The new territorial strategy is explained in a paper, "Perspectives for territorial operations in the development of human resources in East Timor", by the KOLAKOPS commander, Theo Syafei. Implicitly, the paper admits that they have lost the hearts and minds of East Timor's youth and see the short-term and medium-term task as that of creating a sense of security - in other words, protecting the population from pro-independence elements. Another task is to create cadres, in other words, to make Indonesians out of the East Timorese, and to establish desa binaan (in English, guided villages), villages with a heavy presence of territorial soldiers, controlling and indoctrinating the villagers. General Syafei said that he would take four approaches: persuasive, educational, preventive and repressive. He said:

> "To implement persuasive and educational methods, a certain supportive condition is needed to help villagers develop their village wholeheartedly and with full concentration. Therefore, preventive measures wiU be taken, including setting up security posts, patrols and compulsory night-watches. These measures are intended not to frighten the population but to protect them and allow justice to prevail. These measures will also be taken against foreign visitors who use the hospitality of the East Timorese to spread issues and vilify East Timor."

The dissolution of KOLAKOPS is a cosmetic measure. Even without a formal structure, East Timor will continue to be a special military project for the army.

(Mr. Liong)

Much has changed in the world today, good things as well as bad things. So it is with East Timor. The tragic events at Santa Cruz had a positive result by bringing East Timor onto the international agenda. Far more people realize that a political solution for East Timor is crucial. As the East Timorese say, wherever they are - in East Timor, in Indonesia or in exile in Australia or Portugal - peace negotiations are long overdue. It is for the international community, the United Nations, to take the initiative and bring the parties concerned to the negotiating table. The Timorese resistance is prepared to talk with the Indonesians without preconditions, in the international spirit of today, an offer the Indonesians cannot reject. We are convinced that this Committee will take the important step of advising the Secretary-General to accelerate this peace process.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Douglas McGregor (Hobart East Timor Committee) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. McGregor.

Mr. McGREGOR: Thank you for the opportunity to present a petition to this Committee again this year. We are aware that the presence of petitioners each year is deeply resented by the Indonesian delegation, which would much prefer to focus its attention the evils of "white" colonialism. This is understandable and at times appropriate, but so long as Indonesia fails to abide by international law, it must expect to face the inconvenience of the growing number of concerned individuals and organizations appearing before this Committee.

We should like to draw your attention to several actions in the history of Indonesia's relationship with East Timor which continue to be raised in

(Mr. McGregor)

comments and queries made to our Committee, sometimes by Indonesians contacting us openly or anonymously for information.

The first is the letter from former Foreign Minister Adam Malik to FRETILIN in East Timor in June 1974. The letter reads in part:

"The Government of Indonesia until now still adheres to the following principles:

1. The independence of every country is the right of every nation, with no exception for the people in Timor.

2. The Government as well as the people of Indonesia have no intention to increase or expand their territory or to occupy other territories other than what is stipulated in their Constitution. This reiteration is to give you a clear idea, so that there may be no doubt in the minds of the people of Timor in expressing their own wishes.

3. For this reason, whoever will govern in Timor in the future after independence can be assured that the Government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries."

The second is Security Council resolutions 384 (1975) and 389 (1976), which provide that all nations must respect the territorial integrity of East Timor, all nations must uphold East Timor's right to self-determination and Indonesia must withdraw all military personnel from East Timor. It should be noted that at the time of those resolutions, Indonesia had no civilian personnel in East Timor. The Security Council was therefore seeking a total Indonesian withdrawal.

The third is the attempts by the United Nations Special Envoy, Mr. Winspeare Gucciardi, to achieve a peaceful solution. Indonesia had spent

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more than a year planning and carrying out its invasion, yet, regrettably, Mr. Gucciardi spent only three days in East Timor, visited only Indonesian-controlled areas and reported, "Any accurate assessment of the situation as a whole remains elusive."

The fourth is Indonesia's Act of Integration, carried out in 1976, when it controlled an estimated one third of East Timor. Twenty-eight people, several at gunpoint, were required to sign away East Timor's right to independence. This is disturbingly reminiscent of the 1969 Indonesian Act of Free Choice, held in Dutch West New Guinea, in which 1,025 people were pressured under threat of death to sign away their homeland's right to independence, after President Suharto's unequivocal statement:

> "There will be an act of self-determination, of free choice, in West Irian; but if they vote against or betray or harm the Indonesian people, this would be treason."

The fifth is United Nations resolution 37/30, which requires negotiations between all parties directly concerned. We deeply regret that 10 years later Indonesia continues to kill but refuses to talk with the people of East Timor.

The sixth is Indonesia's decision in January 1989 to open East Timor to the international community. This openness is repeatedly tested and found lacking. Areas of East Timor are closed off at various times, tourists are threatened and in one instance killed, and United Nations-accredited non-governmental organizations such as Amnesty International are continually denied entry, as are people with or without media connections, despite the fact that the United Nations continues to recognize East Timor as a Portuguese colony and therefore Indonesia has no jurisdiction over who enters or leaves East Timor.

(Mr. McGregor)

The seventh is the Preamble to the Indonesian Constitution, which reads:

"Freedom is the right of all nations and therefore colonialism must be eradicated from the face of the earth because it does not conform with humanity and justice."

The eighth is the statement made by the man who has taken over the military command of East Timor since the Dili massacre, Brigadier-General Syafei, who has intimated that, had he been in charge last November, "the numbers of victims" - of the massacre - "would probably be much higher".

The ninth is the willingness of the Timorese Resistance led by Xanana Gusmao to put forward negotiating solutions and indicate its willingness to enter into talks at any time and in any place. They expressed such willingness directly to Indonesia's Commander in East Timor in 1983 - Colonel Purwanto - and, despite all that they have suffered since then, continue to make known their wish to achieve a negotiated solution. Regrettably, Indonesia continues to ignore all such offers despite its legal obligation to enter into such a process.

But let us place these historical facts into the context of present-day East Timor and Indonesia. The military now accepts that there are many Timorese who are anti-integration. Suharto, Indonesia's dictator of 27 years, is facing an increasing amount of frustration from his military command, yet has made no indication of a successor, leaving a dangerous void which puts at risk the safety of many Indonesians.

The growing educated and middle class of Indonesia now expect at least some degree of social and political freedom. Perhaps they watched as the

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political empires of the Soviet Union and the eastern bloc crumbled, leaving the space for a more participatory democratic process to grow. Will the fragile dictatorship that binds Indonesia and occupied East Timor also give way to the good will and good character of the Indonesian people?

And it is with some despair I ask: how many more massacres, unreported mass graves and torture will there have to be before western Governments become sufficiently outraged to withdraw their military support and foreign aid, and end their complicity, upon which the Indonesian dictatorship and its freedom for brutality depend? It is with no inconsiderable degree of hope that I say that I believe the winds have changed for East Timor and for Indonesia, and that it seems that more and more members of western parliaments are so offended by what their Governments have been supporting with regard to the Indonesian occupation of East Timor, and are calling for change towards more socially-developed and humane implementation of policy.

It may seem that Indonesia is on trial in this room. It could be suggested that Indonesia has been placed in a very difficult position by the failure of many of its political and military leaders to uphold the high standards and integrity which its political and legal representatives seek. We, however, suggest that it is the United Nations which is being held up to international scrutiny. As the body which represents the aspirations of the world's people to a safer, saner, more just and more peaceful world, it can be said that everyone who helps the United Nations to function, including you, me, and everyone in this room, is under scrutiny.

Individual United Nations Members at times violate the United Nations Charter or United Nations resolutions. The United Nations as a whole is

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charged with the responsibility of ensuring that Member nations are brought to compliance again. This process is often long and complicated but it is vital for the continued support, morally and financially, of the United Nations, that this process be seen to be carried out with integrity, commitment and persistence.

A checklist of questions in regard to this process might read as follows: First, has the United Nations responded to one injustice with sanctions and to a similar injustice with mild censure? Secondly, has the United Nations denied the means of war to those countries, especially Indonesia, which continue to violate international law? Thirdly, has the United Nations given the necessary support to the Secretary-General to enable him to carry out his mandate to achieve peace through consultation with "all parties directly concerned"? Fourthy, has the United Nations made it possible for the East Timorese to be fully represented here and in all relevant United Nations bodies? Fifthly, has the United Nations made it possible for the East Timorese people in all parts of East Timor and held in Indonesian jails to know what is being said and done on their behalf? And sixthly - this is not in my written text - has the United Nations made use of its widespread capacity as a source and disseminator of information to bring to light the situation in East Timor to the world? I trust that I will be able to obtain a copy of the report by the United Nations Special Rapporteur on Extrajudicial Executions, Mr. Amos Wako, which I am told is quite telling in its findings.

These questions make up an essential part of the process of decolonization which is fundamentally about providing colonized people with the information, the opportunity, the funds and the means to make their wishes known to the world. On every level it can be said that the process of

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decolonization is not working as comprehensively as it might be in regard to East Timor.

We are aware of the commitment and good will which exists within this United Nations Committee but we believe that both the United Nations as a whole and the world community have a responsibility to try harder to ensure that the information, opportunity, funds and means are readily and continuously available for the conducting of the decolonization process in East Timor; and in such a way that the worth and integrity of the United Nations is enhanced.

The petitioner withdrew.

The CHAIRMAN: I call on the representative of Tunisia on a point of order.

Mr. ARDHAOUI (Tunisia) (interpretation from French): I should like first to make one thing clear. I am speaking not on the substance of this question but on a question of procedure. This is a respectable gathering and there are certain rules of civility from which we should not deviate. We have heard several statements, including the last one, about which I should like to make some clarifications.

We are here to speak of the question of East Timor, not of the domestic situation in Indonesia. The previous speaker, speaking about the Indonesian Head of State, called him a dictator and regretted that so far he has not designated a successor. That has nothing to do with the question of East Timor. I hope that speakers will show due regard to a Member of the United Nations and its President and will respect the rules of courtesy. Otherwise, any reference to the domestic affairs of Indonesia will oblige my delegation to raise a point of order.

The CHAIRMAN: May I request speakers to take note of what has just been said by the representative of Tunisia.

At the invitation of the Chairman, Mr. Charles Scheiner (East Timor Action Network/United States) took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Scheiner.

Mr. SCHEINER: My name is Charles Scheiner, and I am coordinator of the East Timor Action Network/United States (ETAN/US). ETAN/US is grateful for the opportunity to speak with you today, and for your continued attention to the situion in East Timor.

The East Timor Action Network was formed at the beginning of this year. We were shaken and moved by the horrendous Santa Cruz massacre in Dili last 12 November. In a manner never seen before, there were foreign witnesses and videotape to document the inhuman brutality of the Indonesia military for the outside world. If East Timor is ever to be free of Jakarta's oppression, the time to act is now.

We hope that the Special Committee on Decolonization and the other organs of the United Nations share our understanding that the present moment carries both opportunity and responsibility. We urge you to act to support human rights and self-determination for the East Timorese people, and not to prolong their 17 years of suffering and struggle. ETAN struck a responsive chord in the United States. In six months we have local chapters in a dozen cities, and several hundred members in more than half of the 50 states.

(Mr. Scheiner)

Members of the United States Congress, continuing their record of concern for East Timor, are taking unprecedented action. In November and December, both Houses passed strong resolutions against human-rights violations in East Timor, and 52 Senators signed a letter to President Bush urging a diplomatic resolution of the situation. In May, Congresspeople from both parties introduced H.R. 5176, which would suspend military and economic aid, arms sales and trade preferences to Indonesia until it allows human-rights observers into East Timor and complies with United Nations resolutions requiring military withdrawal and a plebiscite for self-determination.

On 25 June, the House of Representatives unanimously voted to terminate United States military training for the Indonesian armed forces under the International Military Education and Training (IMET) program, which has trained more than 2,600 Indonesian officers since 1975. The United States Senate will soon act on the IMET cut, and may take even stronger action to protest ongoing repression in East Timor.

Although last month's vote is the first time the United States Congress has cut aid to Indonesia, it builds on a long history of bipartisan Congressional concern. That concern continues to expand; in fact, several Representatives took the floor during the discussion of the IMET suspension to warn Indonesia that this is only the beginning.

On 21 June, the United States Conference of Mayors, which includes the chief executives of every city in the United States, passed a resolution urging the President and Congress to support United Nations General Assembly action to "assist in the resolution of the conflict, providing for the self-determination of the Timorese people."

(Mr. Scheiner)

I go into detail on developments in the United States because the views conveyed by President Bush's administration to the international community do not always correctly reflect what is happening in this country. Although Undersecretary of Defense Paul Wolfowitz referred to the "unfinished business" of the Santa Cruz massacre during his recent visit to Jakarta, Americans have the uneasy feeling that the White House and the Pentagon are reluctant to strongly pressure Indonesia to resolve the situation. We look hopefully toward the coming election in the United States, but we hope that your Committee will not wait until then to take action.

I am not going to give you a long list of recommendations. We concur with the suggestions from other organanizations that the report of Special Envoy Amos Wako be released and that the Secretary-General facilitate negotiations including Indonesia, Portugal and representatives of the Timorese people, leading to self-determination for East Timor. We also urge this Committee to recommend that the General Assembly act this fall to reaffirm its longstanding resolutions calling for human rights and for immediate Indonesian withdrawal from East Timor.

We do, however, want to share with you the urgent appeal presented by the National Movement of the East Timorese Students in Indonesia to the United Nations mission in Jakarta last 19 November. Many of the presenters of this appeal were arrested; some have been sentenced to as long as 10 years in prison for peacefully appealing to the international community to safeguard their human rights. I hope you will pay close attention to these translated words from young Timorese patriots who sacrificed their freedom to convey them to you:

(Mr. Scheiner)

"Because:

"1. The invasion of East Timor by Indonesia was a flagrant violation of General Assembly resolution 3485 (12 December 1975) and the Security Council resolution 384 (1975), which recognize the inalienable right of all peoples to self-determination and independence, according to the principles of the United Nations Charter and the Declaration of the colonized countries and peoples in resolution 1514 (XV) of 14 December 1960;

"2. Resolution 384 of 22 December 1975 by the UN Security Council appeals to all States to respect the territorial integrity of East Timor;

"3. The above resolutions appeal to the Indonesian Government for the immediate and unconditional withdrawal of all forces from East Timor;

"4. The very same resolutions recognize Portugal as the administrative power;

"5. The similarity of the invasion and occupation of East Timor by Indonesia with that of Kuwait by Iraq;

"6. The struggles of the people of Namibia and the Western Sahara, which are similar to that of Maubere people, have attained their national political goals;

"7. The enforced presence of Indonesia in East Timor for the last 16 years is, in light of international principles, illegal and obsolete according to the dynamic evolution of human society;

"8. The enforced presence of Indonesia in East Timor escalates day by day the suffering of the already martyred Maubere people through conscious, systematic and routine violation of the most elementary human rights.

(Mr. Scheiner)

"We, the East Timor Nationalist Students in Indonesia, in our own name and that of all those heroes innocently felled by Indonesian military assassins over the last 16 years, but mainly our brethren who were cruelly and inhumanely killed en masse on November 12, 1991, ask and demand of the United Nations:

"1.a) To maintain strong and continuous pressure on Indonesia so that all efficient measures can be taken to carry out the General Assembly and Security Council resolutions which have already been voted upon and that recognize the right of the East Timorese people to self-determination and independence.

"b) According to those above-mentioned UN General Assembly and Security Council resolutions, Indonesia, as a member of that Organization, has no right to try to condemn all East Timorese nationalists who have arduously fought for their right of self-determination and independence;

"2. To exert strong political, economical and mainly military pressures on the Jakarta government, as is happening with Iraq;

"3. To demand of Indonesia an absolute respect for the fundamental rights of the East Timorese people and their identity as a people and as a nation;

"4. To demand that Indonesia immediately and unconditionally withdraw all its belligerently repressive apparatus, be it military or bureaucratic, from East Timor;

"5. To demand that the Portuguese Government as the Administering Power cooperate fully with the United Nations in order to create the conditions for the people of East Timor to enjoy freely their right to self-determination and independence;

(Mr. Scheiner)

"6. Finally, and in conclusion, our petition and protest for the genocide barbarously perpetrated by the Indonesian army on 12th November 1991. We ask the UN General Assembly and the Security Council to take urgent and efficient measures to safeguard the lives of all those Timorese nationalists, mainly the political prisoners;

"7. We request United Nations representatives in Jakarta, together with the Indonesian Parliament, to issue safe-conduct papers to guarantee the personal security of all Timorese Nationalist Students who are under coercive resistance in Indonesia.

"Trusting that Your Excellency will do your best to consider and identify yourself with our aspirations and wishes as a people and a nation, we are, yours sincerely, Joao Freitas da Camara (Jakarta); Agapito Cardoso (Bali); Jose Luis de Oliveira (Yogyakarta); Domingos Bareto de Jesus Vas (Semarang); Virgilio da Silva Guterres (Malang); Jose Dias Quintas (Surabaya); and Gregorio de Araujo (Bandung)".

Nearly all of the 70 students who presented this appeal were arrested. Seventeen were imprisoned for four months before being released without charges. Five were put on trial, although they refused to accept the jurisdiction of Indonesia's courts. At the trial of Agapito Cardoso, co-defendant Joao Freitas da Camara denied that the demonstration was planned to hurt the Indonesian Government, but said that "We could not stay inactive while our brothers were being shot dead. We wanted to protest against all the actions in East Timor which were not in accordance with human rights from the beginning until the tragedy of November 12."

(Mr. Scheiner)

For helping to organize this peaceful appeal, Fernando de Araujo received a nine-year prison sentence. Joao Freitas da Camara got 10 years, and three others got sentences of up to 30 months. None were even accused of any violent activities or any actions that could be considered illegal if Indonesia honored the Universal Declaration of Human Rights. All they did was appeal to the international community to live up to its previously expressed findings.

The past year has shown that there is a new generation of East Timorese activists - infants at the time of the Indonesian invasion - who are willing to risk all for their independence. This Committee and the United Nations have the power to end the 17-year nightmare of the Timorese people, to begin a process which will spare these idealistic youth from the horrible hell that was inflicted on their parents' generation. I hope you will use it.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Sidney Jones (Asia Watch) took a place at the petitioners' table.

The CHAIRMAN: I now call on Ms. Jones.

Ms. JONES (Asia Watch): Asia Watch also takes no position on the political status of East Timor. We believe, however, that the sharp deterioration of the human-rights situation there since this Committee last convened underscores the urgency of finding a solution which will prevent further abuses of the fundamental rights of the East Timorese.

The 12 November massacre was the worst slaughter since the Kraras incident of August 1983, when up to 200 villagers were killed in East Timor. Every year thereafter we heard that the human-rights situation was improving. Atauro, the island off the coast of Dili, was emptied of its prisoners. Long-term detainees were brought to trial and given shorter terms. A new commander, less tolerant of abuse than his predecessors, came in. And in 1989 parts of East Timor were declared open, and it was possible to go to and from Dili without a travel permit.

Those changes were real, but they also masked continuing abuses.

Since 12 November even the facade has been dropped. Surveillance is tighter than ever before. Journalists have been effectively banned from the Territory since 26 February, although one BBC reporter was allowed in to cover the June elections. The alleged masterminds of a largely peaceful demonstration, marred by just one incident of violence, have begun serving savage prison terms after trials in which the verdicts were determined from the outset. Freedom of expression, association, assembly and movement are either non-existent or heavily restricted. And East Timorese students studying in Java and Bali find the repression in their homeland recreated in their place of study, but only for them, not for their Indonesian classmates.

(Ms. Jones)

What the 12 November demonstration showed beyond any doubt is that 16 years of Indonesian rule had generated resistance among a whole generation which had never known anything else. Why? These young people speak Indonesian, they have gone to Indonesian schools, they can recite the five articles of Pancasila, but they and their parents remain very much an underclass, and the development that has taken place in East Timor has benefited the Indonesian newcomers far more than it has the East Timorese. This was illustrated last year in the much-publicized scheme of Yayasan Tiara, a foundation run by President Suharto's daughter Tutut, and the Ministry of Manpower to lure unemployed East Timorese with no prospects of jobs to Indonesia with promises of training and high-paying positions. Two groups of young East Timorese men and women found on their arrival at Jakarta, in March and June 1991 respectively, that there was no training, the jobs were menial and paid the minimum wage or less and that anyone who protested risked being labeled a political activist and detained by the Indonesian military. These schemes were not just exploitative; they were tantamount to forced labour.

The contempt that many Indonesians show for East Timorese was, for me, demonstrated most vividly when I talked at Dili last February with a priest who had gone to the scene of the massacre, an hour after it took place, to see whether he could find some of his missing seminarians. There was a truck piled with bodies, and a soldier was dragging a wounded demonstrator towards the truck by the legs, repeatedly kicking him in the head. When the priest tried to intervene, the soldier said, "But Father, these are just communists!"

Manuel Carrascalao, the elder brother of East Timorese Governor Mario Carrascalao, also described corpses being loaded onto trucks after the massacre, saying:

(Ms. Jones)

"I had occasion to see one person who perhaps had only fainted, but as soon as a soldier caught sight of him and saw that his head was moving, he pounded him with a rock. And in one more case, I saw that there was one person still alive in the truck full of corpses, and the soldier pulled this person down and beat him on the head. Then he threw him back on the truck."

This kind of treatment of wounded demonstrators is cruel and inhuman, but it is also indicative of a more broadly shared attitude of many Indonesians towards the East Timorese.

If the East Timorese are regarded as an underclass, those with nationalist sympathies are at the bottom of that underclass. A double standard has been particularly visible in the justice system. Let me give two examples: On 28 October, East Timorese motorcyclists, working for the local military, provoked a fight with young independence supporters who had taken refuge on the grounds of the Motael church at Dili. In the ensuing brawl, one of the provocateurs, Afonso Henrique, was stabbed to death and an 18-year-old independence supporter, Sebastiao Gomez Rangel, was shot and killed by Indonesian soldiers who stormed the church.

The military lost no time in rounding up 40 of Sebastiao's friends for questioning. Of these, 18 were detained, seven through the month of November. Five of them have since been sentenced for their involvement in Afonso's death. Not one of the provocateurs was arrested, and no one involved in the death of Sebastiao Gomez Rangel has even been identified.

A second case involves a series of demonstrations held at Jakarta after the 12 November killings. On 19 November, 70 East Timorese students held a peaceful demonstration to protest the killings, starting in front of the

(Ms. Jones)

United Nations office and marching past the Embassies of Japan, Britain and Australia. All were arrested and taken to police headquarters. A week later, 49 were released after signing forced "confessions". The remaining 21 were held through February, together with four East Timorese arrested in Bali. By March, all but five had been released, but those five were put on trial and eventually sentenced to terms ranging up to 10 years.

But Indonesian demonstrators belonging to the national youth organization, KNPI, and some of its affiliates, held a demonstration with about the same number of people in front of the Australian embassy in Jakarta on 20 November, one day after the East Timorese protest, to criticize the Australian reaction to the massacre. There were no arrests. Indonesians, it was clear, were encouraged to exercise freedom of assembly when their aim was to promote a government point of view. East Timorese, with a very different point of view, were taken away and locked up.

The Indonesian Government fails to realize how deeply its presence is resented in East Timor. Governor Mario Carrascalao touched on this after the massacre when he said in an interview, speaking as an Indonesian Government official:

> "Maybe it was our fault. Those who are against us were in fact able to touch the hearts of many people ... if before, people slept with knives to protect themselves from those working against us, now it is us they defend themselves against ... in the last two or three months people in the cities have felt unhappy, so much so that a strange thing has happened. As the Portuguese visit approached, the people were no longer afraid of FRETILIN, they were afraid of us. We have to understand why and find the proper medicine to cure it."

(Ms. Jones)

President Suharto may have thought that he had found the proper medicine with the National Commission of Inquiry, the Council of Military Honour, the prosecutions and convictions of nine soldiers and one policeman, the sacking of senior officers and the assignment given to General Try Sutrisno to find the bodies of those killed and missing. But those efforts, however unprecedented they may have been, have left most of the major questions unanswered. To this day, we do not know the following:

First, who started the shooting? Who were the so-called pasukan liar, or mysterious forces, already firing when those 10 men found guilty arrived on the seen.

Secondly, in addition to the one man found guilty of slashing a demonstrator's ear with his M-16, who beat up, stabbed and kicked the other demonstrators, leading to the hospitalization of at least 49 people whose injuries, according to the National Commission, were from blunt instruments and bayonnets, not bullets? Who finished off the wounded demonstrators at the scene?

(Ms. Jones)

Thirdly, who loaded bodies onto trucks, and where were they taken? Why have only 18 graves been found?

Fourthly, who are the 66 people still listed as missing, and what happened to them? The National Commission report criticized as inadequate the autopsy procedures and the failure of doctors to identify bodies, but someone at the Wirahusada Military Hospital surely must know how many bodies passed through that hospital and who took them away.

Fifthly, who tortured the hundreds of East Timorese arrested after the massacre, and why have there been no prosecutions - ever - of Indonesian soldiers accused of the torture of East Timorese?

Sixthly, how much effort was made to investigate reports of the executions of eyewitnesses after the massacre?

If Governor Carrascalao's "medicine" is to be found, a serious effort needs to be made to find the real perpetrators of the Dili killings. Those people are still at large. Human-rights violations in East Timor did not end with the immediate aftermath of the massacre, but many of my colleagues have enumerated them, and I shall not repeat them.

This Committee has a role to play in maintaining the pressure on Indonesia to work towards a resolution of the East Timor problem in a way that will reduce human-rights violations. One important step is to determine why those violations are taking place even after all the steps taken by President Suharto in the weeks after the massacre. In that regard, it would be useful for this Committee to press for the report of Amos Wako, who visited East Timor in February as a Personal Envoy of the Secretary-General, to be made public. It would also be useful to have the Indonesian Government invite the United Nations Working Group on Enforced or Involuntary Disappearances to

(Ms. Jones)

visit East Timor to discuss how the outstanding cases of disappearances could best be resolved, and future ones prevented. In the end, however, human-rights abuses in East Timor will be curbed only when the underlying political causes have been addressed.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Kan Akatani (Free East Timor Japan Coalition and the Japanese Catholic Council for Justice and Peace) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Akatani.

Mr. AKATANI (Free East Timor Japan Coalition and the Japanese Catholic Council for Justice and Peace): I shall first make a statement on behalf of the Japanese Catholic Council for Justice and Peace.

We are very grateful for having been given the opportunity to address this session of the Special Committee on decolonization, which is meeting at a crucial time in the history of East Timor.

It is said that the Santa Cruz massacre of 12 November 1991 is the greatest spontaneous massacre by the Indonesians in their 17-year occupation of East Timor. It is truly very sad that so many young people with their whole future ahead of them should have lost their lives in that incident. However, thanks to the courageous actions of journalists and others who witnessed the incident and reported on it, the East Timor question came to draw the attention and prayers of people concerned with justice and peace around the world. And, needless to say, expectations for the early resolution of the East Timorese question by the United Nations are mounting with each passing day.

The Japanese Catholic Council for Justice and Peace has worked on various

(Mr. Akatani)

international issues in the past. It has been astounded, however, at the cleverness of the Indonesian Government in manipulating information in connection with the East Timorese question. Despite these illegal manipulations, Indonesian violations of human rights are reaching the outside world through the brave actions of the East Timorese inside and outside East Timor, with the warm support of collaborating organizations around the world. According to information the Council has received directly from East Timor, casualties of the Santa Cruz massacre are estimated at around 250, or five times the number announced by the Indonesian Government. Information attesting to increased oppression after the massacre has been accumulating without stop. After the massacre, Catholics around the world were concerned for the welfare of Bishop Carlos Filipe Belo, Apostolic Administrator of Dili, Fathers Alberto Ricardo da Silva and Domingos Soares and other members of the clergy, and petitions were sent to various authorities. It has been reported in recent days that members of the hierarchy and priests wishing to visit the local churches to give humanitarian assistance have been denied visas.

We are deeply concerned at this situation. We believe that the United Nations should strive to tell the international community the truth of what is going on in East Timor. In this context, I think it is vital that the texts of the reports of Mr. Amos Wako and Mr. Pieter Kooijmans, who were sent by the United Nations to conduct special investigations of the massacre, should be published in their entirety.

The public disclosure of that information is necessary to denounce the injustice of the trials of East Timorese youths arrested at the Santa Cruz massacre incident. The sentences passed at their trials held at Dili and Jakarta were the very embodiment of injustice. The numerous international

(Mr. Akatani)

witnesses of the Santa Cruz incident have testified that the actions of the East Timorese youths at Santa Cruz were appropriate exercise of their freedom of speech and expression, which is an uncontestable right of theirs. Consequently their arrest is in itself an act of violence, without any grounds, on the part of the Indonesian Government.

The United Nations, which has a special responsibility to maintain international peace, should present these facts to the international community and strongly censure the Indonesian Government.

In conclusion, we would like to support wholeheartedly the proposal for the resolution of the East Timor question submitted by Bishop Belo after the massacre and to request the United Nations to exert every effort for its implementation. The core of the proposal is unconditional tripartite talks between Portugal, Indonesia and East Timor - representatives of the resistance and the Church. Our Council has been trying to grasp the thinking of the East Timorese by sending members of the Council to East Timor. We have found as a result that all East Timorese living in and outside of East Timor deeply regret that they still have not been given the opportunity to determine their own nationality and that they desire to make their decision through a national referendum.

As a preliminary step towards that referendum, the aforementioned proposal of Bishop Belo for tripartite talks is one which must be urgently and seriously addressed. In so far as our Council is aware, the East Timorese people has an agreed approach to the selection of representatives for such talks.

We wish to conclude our statement by appealing to the United Nations from the bottom of our hearts to use every means at its disposal, including the

(Mr. Akatani)

dispatch of United Nations peace-keeping forces for the resolution of the East Timorese question, so that the long-suffering people of East Timor may regain its liberty and peace as soon as possible.

I shall next make a statement on behalf of the Free East Timor Japan Coalition.

I wish to express the Coalition's gratitude for the opportunity to address this Committee on the issue of East Timor.

Every year at this time in the summer, the Japanese people call to mind the inhumanity of war, particularly the cruel acts committed by Japanese soldiers in the areas occupied by Japanese forces in the Far East and South-East Asia. Although almost half a century has gone by, Japan cannot forget the crimes it committed in that war, crimes for which it will never be able to atone. Our involvement, as Japanese, in the East Timor issue stems from our reflections on our own past as invaders in that cruel war half a century ago.

(Mr. Akatani)

This year, we in Japan have been reminded particularly of the female victims of Japan's aggression: the women throughout Asia who were forced to provide sexually services to Japanese soldiers, euphemistically called jugun ianfu or "comfort women", accompanying the troops. During the three and a half years that Japan occupied East Timor, Timorese women too were violated in this way, as one ex-soldier had the courage to confess publicly. This system of the forced prostitution of Asian women is a deep disgrace to Japan, and the Japanese Government will be obliged to make an official apology. That it took more than 45 years for this dark and shameful history to be exposed to the light of day is due in part to the fact that it is an issue very painful for the women victims themselves to speak about.

But let us turn now to the present, and to the fact that the Territory of East Timor is once again under military occupation and has been for 17 long years. We know that, at the very least, there are 10,000 Indonesian soldiers stationed there at any given time. Although, according to official Indonesian statements, the ostensible mission of those soldiers is no less noble-sounding than was that of their Japanese predecessors almost 50 years ago, they are in fact an occupying army which is, in the absence of any international monitoring presence whatsoever, completely free to pillage, rape or otherwise abuse a defenceless population. It does not take much imagination to understand the plight of the women of East Timor, particularly in the rural areas, under that occupation.

Rape and other forms of sexual torture by Indonesian troops have been a constant element in the reports of human-rights abuses in East Timor over the years. And the situation does not seem to have improved in recent times. A female traveler to East Timor testified before the Subcommission on Prevention

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of Discrimination and Protection of Minorities of the Commission on Human Rights that she heard many stories of rape during the days she spent in the Territory. She learned too that the Catholic sisters are inundated with requests to join the convent from Timorese girls who see in the religious life their only hope of sanctuary and protection.

Although we do not know how widespread the practice is, from a photograph we received in 1987 showing young Timorese village girls accompanying Indonesian soldiers on patrol in the mountains, we fear that the Indonesian soldiers may have their own version of the jugun ianfu system in East Timor. Schoolgirls have been raped in their schools, as in the September 1988 case of five students at the agricultural college at Natarbora who were raped and murdered by Indonesian soldiers.

A man who fled East Timor and later came to Japan to plead the cause of his people told us of his own experience of the perverse practices of the occupying troops. After being arrested, he said,

> "I was taken to the San Tai How building, where they tortured me just because they could not get the 8-millimetre projector they stole at my home to work. They ordered me to make it work and to play pornographic films, while they, that whole day, raped three women, namely, one young girl and two ladies, after they forced them to see the films."

The suffering of the women of East Timor is one of the deepest tragedies of the war and occupation and a serious affront to human dignity. Even if for no other reason than this, the international community should act quickly to bring about an end to Indonesia's occupation of East Timor.

For 17 years, owing largely to the influence of several major Powers which preferred to turn a blind eye, the international community remained in

(Mr. Akatani)

ignorance of the travesty of justice taking place in East Timor. Contrary to their hopes, however, the problem did not go away. The wounds go deeper every year, and the social distortion grows more ugly, not only in East Timor but in Indonesia as well.

Can this Committee not do more to facilitate a solution? If I may be permitted to suggest a concrete course of action, it would be that the Special Committee of 24 should present a recommendation to the Fourth Committee of the General Assembly urging it to call on all Member States to exert their best efforts to bring about the early commencement of peace talks between Indonesia, Portugal and representatives of the East Timorese.

Events in recent years have caused the world to look to the United Nations with fresh expectations. I trust that the members of this Committee will carefully consider every means at their disposal to mobilize political will among Member States to bring about a solution to the East Timor issue in the near future.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Koch (Komitee Indonesia and East Timor Working Group) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Koch.

Mr. KOCH (Komitee Indonesia and the East Timor Working Group): The Komitee Indonesia and the East Timor Working Group, headquartered at Amsterdam, welcome this opportunity to petition your Committee about East Timor; we have been following the developments in East Timor since the Indonesian invasion in 1975. At the same time, however, we regret that East Timor is still on the Committee's list of Non-Self-Governing Territories. The East Timorese people are still denied their right to self-determination. They

(Mr. Koch)

still have to face the illegal occupation and colonization of their country by the Republic of Indonesia.

On 12 November 1991 one more tragic event was added to the long record of systematic and gross human-rights violations perpetrated by the Indonesian authorities. More than 100 bodies can be added to the list of 200,000 East Timorese who have died as a result of the illegal Indonesian occupation. In the wake of the massacre at Santa Cruz, it is our strong hope that this Committee, other United Nations agencies and the Secretary-General will redouble their efforts to contribute to the peace and decolonization process cherished by the East Timorese people.

History has proven that force and repression can subjugate an entire people, but history has also shown that they cannot destroy the aspirations of such peoples. At a time when several international conflicts have been or are being solved through dialogue and negotiation, the need for peace talks to resolve the question of East Timor is paramount. The prospects for talks are further enhanced because East Timor is now on the poltical agenda in Indonesia, owing largely to the international outrage at the Santa Cruz massacre. Moreover, the East Timorese resistance has time and again declared its readiness to enter into peace talks under United Nations auspices. This was stressed again in a letter dated 31 January 1992 written by resistance leader Xanana Gusmao to the Secretary-General. The Portuguese Government, as the internationally recognized administering Power of the Territory, also wrote to the Secretary-General earlier this year proposing the holding of talks on East Timor involving Portugal, Indonesia and East Timorese. Until now Indonesia has refused to permit East Timorese representatives to be involved in any round of talks under United Nations auspices.

(Mr. Koch)

We welcomed, for the most part, the initiative of the Secretary-General in mid-February to appoint Mr. Amos Wako as his Personal Envoy to visit Indonesia and East Timor after the Santa Cruz massacre. We do believe that his report can contribute to a fuller understanding of the real situation in East Timor, and therefore we hope that the Secretary-General will make it public soon. It is well known that the Indonesian Government did not allow an international investigation into the killings. Instead, President Suharto appointed two commissions: the so-called Commission of National Inquiry (KPN) and a military inquiry commission. Both can be seen as damage-control instruments that have been greeted by several Governments as being "credible", "even-handed" and "encouraging".

(Mr. Koch)

The reports presented by those Commissions and the measures taken by the Indonesian authorities can only be qualified as a travesty of justice. Timorese who participated in a peaceful procession at Dili and a demonstration at Jakarta one week after the Santa Cruz massacre were unjustly put on trial and given heavy sentences ranging up to life imprisonment. In contrast, the Indonesian military personnel committing the killings have got off with a few months each, being charged with "violating military discipline", "disobeying orders" or "losing control of their troops".

We can only conclude that the trials were intended to convince the world that the rule of law functions in Indonesia. They have shown, however, that in Indonesia there is no such thing as trias politica. The violent response of the troops was justified by showing that peacefully demonstrating Timorese were intent on overthrowing the Indonesian Government; that calling for self-determination was an act of rebellion; that contacting foreign journalists, embassies and human-rights organizations was an act of subversion; and that even making a United Nations flag was a crime.

The trials show a fundamental point at issue: there can be no justification for arresting and charging any of the East Timorese. They were not involved in any acts of violence; they were exercising their right to freedom of assembly and freedom of expression.

The Indonesian Minister for Foreign Affairs, Ali Alatas, has described East Timor as "like a sharp stone in our shoe". He could have come closer to the truth if he had described the Territory as "like a stone in a military boot".

The troops in occupation of East Timor are under strict orders to allow no manifestation or protest. Security measures are grim at all times. The

(Mr. Koch)

new operational commander, Brigadier-General Theo Syafei, seems to be the archetype of a hard-liner. Soon after he replaced Rudolf Warouw earlier this year, Theo Syafei said:

"... if something similar to the 12 November event were to happen under my leadership, the number of victims would probably be higher". (Editor, 14 March 1992)

His newly appointed colleague, Major-General Mantiri, commander of the IXth Udayana Regional Military Command, which includes East Timor, recently said that the shooting at the defenceless crowd at Santa Cruz was "quite proper". In the words of Mantiri:

"They were opposing us, demonstrating, even yelling things against the government. To me that is identical with rebellion, so that is why we took firm action". (Editor, 4 July 1992)

East Timor is back to the grim reality of absolute military rule. Hardly any foreign visitors are allowed to visit the Territory, and if they do so, they are subjected to surveillance by military intelligence. We have received reports that in the wake of Santa Cruz, East Timorese civilians were extrajudicially executed or disappeared, were held in incommunicado detention and tortured. Over the last years the Committee and other United Nations bodies have received numerous detailed accounts of the systematic human-rights violations perpetrated by the Indonesian army.

Early in June it was announced that combat troops would be withdrawn from East Timor and that the Special Operational Command, KOLAKOPS, would be dissolved in September. That cosmetic operation is showing Syafei's intention to carry on with a strategy of "no nonsense" military territorial management. The possible withdrawal of combat troops and their replacement by territorial

(Mr. Koch)

troops only highlights the fact that the Indonesian military considers the young generation of Timorese to be a major threat to security. Whenever he thinks it is necessary, Syafei can rely on the support of special combat troops. East Timor was and still is an Indonesian army project.

If the world community requires any proof that the East Timorese desire the chance to determine their own political, socio-economic and cultural future, it is in their continued armed and non-armed resistance against the Indonesian occupying power. For nearly 17 years the Governments of the world, through the United Nations, have failed to resolve the conflict in East Timor. A step in the right direction seems to be simple: let all interested parties sit down to talk - East Timorese, Portuguese, Indonesians and the United Nations.

We are aware of the constraints of international diplomacy, of statesmen not willing to lose face or harm their economic interests. But we are not talking about American or Australian dollars, Japanese yen, Indonesian rupiahs or Portuguese escudos. We are talking about genocide inflicted upon a small people. No justification can be found for keeping East Timorese out of the talks. What is at stake is their future, their inalienable right to self-determination. Indonesia, once a powerful anti-colonial force, sadly turned into a brutal colonizing Power. It will be in its interest to cooperate in finding a peaceful, just and lasting solution to the conflict in East Timor. We are convinced that this Committee can play an important role in accelerating the peace process the Timorese are longing for.

The petitioner withdrew.

At the invitation of the President, Ms. Vanessa Ramos (American Association of Jurists) took a place at the petitioner's table.

The CHAIRMAN: I call on Ms. Ramos.

Ms. RAMOS (American Association of Jurists) (interpretation from Spanish): I represent the American Association of Jurists, a non-governmental organization in consultative status with the Economic and Social Council. Ever since its creation, our organization has addressed issues of self-determination and human rights at the United Nations and in other international forums.

Since the massacre of 12 November 1991 the international community has taken a renewed interest in the question of East Timor and has been focusing on an inescapable fact: Indonesia is constantly violating the human rights and the right to self-determination of the people of East Timor in a systematic, brutal and violent manner.

From the time Indonesia occupied East Timor in 1975, the situation there has been deteriorating at an accelerated pace; summary executions, arbitrary arrests, disappearances, torture and imprisonment for political reasons are continuing. Those actions have been denounced by the international community and by non-governmental organizations specializing in human rights, such as Amnesty International, Asia Watch, the International Commission of Jurists and the World Council of Churches.

As a result of the world-wide condemnation and pressure following the 12 November massacre, Indonesia set up a so-called Commission of Inquiry presided over by a Supreme Court judge, a retired former member of the armed forces. We regard that commission as lacking credibility and impartiality. Our deep distrust stems from the fact that since the massacre East Timorese

(Ms. Ramos)

have been tried, convicted and imprisoned merely for protesting against the occupation in front of the United Nations building and the embassies of Japan and Australia at Jakarta. Only an independent investigation with international participation can satisfy those who lost loved ones, as well as all those who defend human rights.

It is common knowledge that Indonesia and its occupation forces have not shrunk from the use of indiscriminate force and violence against the Timorese civilian population and those fighting for their right to self-determination.

As the United Nations declared the 1990s the International Decade for the Eradication of Colonialism, the Special Committee has a responsibility to take action in accordance with the principles of General Assembly resolution 1514 (XV). Just as plans were worked out to decolonize Namibia and Western Sahara, the Committee has a duty to conduct serious discussions with all the parties concerned on proposals to decolonize East Timor and other Non-Self-Governing Territories in the Caribbean and the Pacific, such as Puerto Rico and New Caledonia.

(Ms. Ramos)

East Timor's exercise of the right to self-determination is not a problem relating only to Indonesia, Portugal or the Timorese. It is a matter that concerns the entire international community, in particular those countries, some of which are members of this Committee, that suffered the cruelties of colonialism. In the so-called new order, this Committee and the United Nations cannot stand idly by and allow East Timor to be perpetually fated to be war booty, with the continuation of genocidal practices.

The provisions of the Charter of the United Nations, resolution 1514 (XV) and other pertinent resolutions of the General Assembly and the Security Council are specific with respect to East Timor's right to self-determination and territorial integrity. For example, Security Council resolutions 384 (1975) and 389 (1976) condemned the invasion by Indonesia and called for the withdrawal of all its forces from East Timor.

More than 15 years have transpired and the Security Council has yet to take measures to enforce its resolutions; nor has Indonesia complied with the mandate.

In this tragic situation, Portugal, as the administering Power, has the responsibility of continuing to further the right to self-determination, territorial integrity, sovereignty over natural resources and respect for the human rights of the people of East Timor.

Wtihin the realm of its endeavours, the Special Committee can propose and accept drafts dealing with the decolonization of the Territory. Recently, on 23 April 1992, Mr. Jose Ramos Horta, member of the National Council of Maubere Resistance, submitted in Brussels to the European Parliament's Subcommittee on Human Rights a decolonization proposal divided into three parts whose aim is a peaceful resolution to the East Timor issue.

(Ms. Ramos)

In the plan it is suggested that conversations be initiated between the United Nations Secretary-General, Indonesia and Portugal in order to call for a cease-fire, reduce the size of military forces, free political prisoners and carry out a census, all of which would lead up to a referendum under international supervision on the political future of East Timor. Our organization considers this proposal an initiative in good faith that this Committee should discuss.

The Special Committee could also consider dispatching a visiting mission which would provide a detailed report on conditions in the Territory.

It is high time the United Nations stopped practicing the selective implementation of its resolutions and stopped conforming to the schemes of the powerful. If this regrettable trend continues, we wonder how many deaths and massacres it will take to break the conspiracy of silence on the East Timor issue. As jurists, we exhort this Committee to bring its influence to bear in the quest for a just solution that guarantees East Timor's right to self-determination.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Russell Rollason (Australian Council for Overseas Aid) took a place at the petitioners' table.

The CHAIRMAN: I now call on Mr. Rollason.

Mr. ROLLASON: Thank you for this opportunity to address the question of East Timor, an issue that has occupied the attention of this Committee for many years and is now one of the few items of unfinished business on its decolonization agenda.

I am speaking on behalf of the Australian Council for Overseas Aid (ACFOA), of which I am the Executive Director. ACFOA is a national body which

(Mr. Rollason)

comprises some 100 Australian non-governmental organizations active in overseas aid and development, including the support of many projects in Indonesia. As Chairman of the International Council of Voluntary Agencies (ICVA), I also speak on behalf of that body, which has consultative status with the United Nations. ACFOA wishes to commend the Committee of 24 for its continuing interest in the situation of the East Timorese people. Your concern is an important reminder that the United Nations considers this issue to be unresolved and believes it has an obligation to the East Timorese people to find a lasting solution based on internationally recognized principles, in particular the inalienable right of peoples to self-determination.

Last year, an ACFOA representative addressed this body and proposed that the United Nations facilitate talks without preconditions between all parties, including Indonesia and the resistance in East Timor, to resolve the issue. This proposal was based on an assessment that deep-seated conflict prevailed in East Timor and that the conflict would continue, to the detriment of the East Timorese people and Indonesia, unless concrete and constructive initiatives were taken in which the East Timorese played a meaningful role. Dialogue should replace violence; another way had to be found.

The tragic massacre of East Timorese independence demonstrators in Dili last November shocked the world. It opened the eyes of many to both the ugly reality of violence and repression in East Timor and the strength of East Timorese resistance to integration. Young East Timorese Catholics who had just attended an early morning Mass and displayed banners reading "Mr. Bush, we love independence" and "Life has no meaning without freedom" were gunned down like animals.

(Mr. Rollason)

Though some attempted to downplay the event as an aberration, for most observers it represented an unforgettable cameo of the total Timor tragedy and stirred considerable soul-searching in many quarters, including Indonesia.

This extended to governments, like that of Australia, which for many years have steadfastly defended Indonesia's presence in East Timor and argued that the East Timorese had come to terms with their situation. Following the massacre, Australian Foreign Minister Senator Gareth Evans stated that East Timorese opinion had been "radicalized" and that a majority of people now harboured "a feeling of hostility, resentment and resistance to the Indonesian Government". Many credible observers who have visited East Timor this year, including senior members of the Catholic Church in Australia, confirm this analysis.

Recently, Australia's Foreign Minister made the more surprising admission that Indonesia would fail to afford the people of East Timor acceptable human rights for a long time. Senator Evans told a human-rights conference in Australia on 17 July that since Australia had accepted Indonesia's takeover of East Timor in the late 1970's "with a heavy heart", Australia had tried to encourage Indonesia to respect its inhabitants' human rights, adding, "I fear we may have to be doing so for a good many years yet". He went on to say that "nobody believes that the 1975 invasion was defensible or pretends for a moment that the subsequent course of events has in any way justified what's happened". Nevertheless, independence was not possible for East Timor, said Senator Evans.

We cannot accept that the most Governments can do is to caution restraint on Indonesia in the full knowledge that conflict and violations of human rights will continue in East Timor. It is particularly unpalatable that

(Mr. Rollason)

Governments which advocate quiet diplomacy not only fail to back up their words with actions but continue to provide Indonesia with substantial levels of both economic and military assistance. This strategy has not worked in the past and offers no hope for the future. It is not a formula for either reconciliation or a lasting settlement. The Indonesian military are blatantly unrepentant for the massacre and are confirmed in their hawkish view that a hard-line policy must prevail. Why should they do anything else if the international community is prepared to accommodate their ruthless behaviour so easily and reward it so generously?

The Dili massacre and world reaction to it provide a new opportunity for the United Nations to facilitate the first step towards the settlement of any dispute, namely, talks between the parties.

The pronounced discrepancies in the recent sentences given to East Timorese and the Indonesian military following the Dili massacre are also cause for great concern. They epitomize the structural injustice and abuse of power that lie at the heart of the East Timor issue and contrast strongly, for example, with the South African Government's response to the Boipatong massacre. These trials could have been used to demonstrate due process and to make significant gestures of goodwill to the deeply aggrieved East Timorese community. As it happens, the sentences again present Indonesia's worst face to the East Timorese and will wipe out any lingering remnants of confidence they might have had in Indonesia. Neither will they do anything to promote the reconciliation that President Suharto has spoken of since last November or to restrain the Indonesian military.

(Mr. Rollason)

It may be useful to examine the reasons that could possibly be given for opposing talks. It could be argued, first, that the dispute is an internal matter. This hearing itself and the fact that the United Nations has not recognized Indonesia's annexation demonstrate that it is a matter of international concern. It is not an internal matter. And even if it were not seen as such by the United Nations and a number of Governments, it would still merit mediation on human-rights grounds in the same way as does apartheid in South Africa or the United Nations-facilitated settlement of the 12-year civil war in El Salvador.

A second reason for opposing talks might be that there is no dispute or that the dispute is only between Portugal and Indonesia. This is patently unsustainable. As already mentioned, most observers agree that the overwhelming majority of East Timorese strongly reject integration with Indonesia, though they may not all choose to resist militarily.

A third reason often given, particularly by Indonesians, is that if there is an agreement to talk, the result could be that other regions in Indonesia would press for talks or special status. East Timor, however, is a special case. In February, President Suharto conceded that East Timor had not been part of the Dutch East Indies and that Indonesia had never sought control in the way it had in Irian Jaya. East Timorese have never sought support from, nor been offered support by, West Timor and have always made it clear that they would need close relations with Indonesia and the Association of South-East Asian Nations (ASEAN). No one advocating talks wishes the disintegration of Indonesia.

A fourth argument against talks might be that the East Timorese have benefited from Indonesia's administration and have nothing to gain by changing

(Mr. Rollason)

their status. The East Timorese acknowledge the material benefits provided by Indonesia. The fact is, however, that this aid has been accompanied by systematic oppression, and the real issue is that the East Timorese have had no say in determining their political, cultural or economic circumstances.

A fifth reason for reluctance to support talks might be that nothing would come out of them. It is important to recognize, however, that two of the parties to the conflict, Portugal and the East Timorese, are committed to making the talks work. The East Timorese have repeated their offer to talk since the massacre and have outlined a number of scenarios. Indonesia would win wide international support, and certainly the support of sections of Indonesian society, if it were to take this step. It could be argued that Indonesia needs to be free of East Timor as much as East Timor needs to be free of Indonesia. Indonesia could initiate meaningful negotiations with the East Timorese without major loss of face. Negotiations have been held in the past with the East Timorese resistance leader Xanana Gusmao in 1983, and Indonesian diplomats have had informal meetings with East Timorese leaders over the years.

The negotiating road is narrow, slow and uncertain, as the Middle East demonstrates. But the act of meeting itself transforms any dispute, and a number of possibilities could emerge from talks.

Possibilities that might emerge from talks include agreements about relaxed administration, human rights, a moratorium on armed action by both sides in exchange for a reduction in troop numbers. Free elections and greater power to the regional government might be considered. Arrangements for greater autonomy similar to proposals being considered for the West Bank and the Gaza Strip are other possibilities. Those proposals do not satisfy

(Mr. Rollason)

the Palestinians but may be seen as a step in the right direction, that of greater freedom. Agreement to an enhanced United Nations presence in health care, education and agricultural development would open East Timor to outside ideas and people and could relax tensions. Beyond that, there are possibilities which could lead to partial or full self-determination, a goal that the East Timorese are unlikely to relinquish. If talks were held and there were no progress or there were imperceptible progress, what would have been lost? The answer is: nothing.

On the other hand, without talks the impasse will continue. Indonesia has clearly failed to win the East Timorese over or to suppress their nationalist aspirations, but neither can the Timorese dictate to Indonesia militarily or politically. The cycle of small-scale and possibly large-scale action and reaction and loss of life and suffering will continue indefinitely.

The United Nations exists to promote peace and to protect the weak and uphold fundamental rights. To its credit, the United Nations is energetically and constructively promoting conflict resolution through dialogue in many parts of the world. It is time for a decisive initiative on East Timor through the good offices of the Secretary-General, Mr. Boutros Boutros-Ghali, with the full support of the international community and all peoples of good will.

The petitioner withdrew.

The meeting rose at 12.55 p.m.